

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/17/09 has been entered.
2. Claim 1 has been canceled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Yoshie (USPN 6,634,536).

Yoshie discloses a lock mechanism of a table of an electric stapler (col. 13, lines 38-67, cont. in col. 14, lines 1-37), comprising: a table (210), pivotally supported by a main body frame (23) of the electric stapler (as seen in fig. 46), and including a clincher mechanism (200) that pivots to bend a leg portion of the staple penetrated through the sheets along the sheets, and a wing piece (251) formed on each side of the table and extending downward along each side of the main frame body (note that a portion of the wing piece 251 at the vicinity of 253A extends

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downward as seen in figs. 54-55, along each side of the main frame body as best shown in fig. 46); locking means (201) formed between each wing piece of the table and the main body frame (as seen in fig. 55), wherein a pivoting force in an opening direction of the table is hampered by engaging the locking means with each wing piece of the table (as seen in figs. 46 and 55; col. 14, lines 1-15); wherein each locking means comprises a lock plate (202) including a locking pin (32) engageable with the wing piece (251) at one end thereof and supported by the main body frame at other end side thereof, and wherein, by engaging the locking pin with the wing piece to hamper the wing piece from being pivoted, the pivoting force in the opening direction of the table is hampered (col. 14, lines 1-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshie (USPN 6,634,536) in view of Magnusson et al. (USPN 5,460,313).

Yoshie discloses a lock mechanism of a table of an electric stapler (col. 13, lines 38-67, cont. in col. 14, lines 1-37), comprising: a table (210), pivotally supported by a main body frame (23) of the electric stapler (as seen in fig. 46), and including a clincher mechanism (200) that pivots to bend a leg portion of the staple penetrated through the sheets along the sheets, and a wing piece (251) formed on each side of the table and extending downward along each side of the main frame body (note that a portion of the wing piece 251 at the vicinity of 253A extends

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downward as seen in figs. 54-55, along each side of the main frame body as best shown in fig. 46); locking means (201) formed between each wing piece of the table and the main body frame (as seen in fig. 55), wherein a pivoting force in an opening direction of the table is hampered by engaging the locking means with each wing piece of the table (as seen in figs. 46 and 55; col. 14, lines 1-15).

While Yoshie shows wherein each locking means comprises a lock plate (202) including a locking pin (32) engageable with the wing piece (251) at one end thereof and supported by the main body frame at other end side thereof, and wherein, by engaging the locking pin with the wing piece to hamper the wing piece from being pivoted, the pivoting force in the opening direction of the table is hampered (col. 14, lines 1-15), Yoshie fails to disclose wherein each locking means comprises an eccentric cam supported by the main body frame and engageable with the wing piece, and wherein, by engaging the eccentric cam with the wing piece, movement of the wing piece is hampered. Magnusson teaches the concept of a lock mechanism for an electric stapler, comprising a wing piece (36) and locking means comprising an eccentric cam (35) supported by a main frame (11) and engageable with the wing piece (36; as seen in fig. 3) for the purpose of locking further movement of the wing piece. The claims would have been obvious because the substitution of one known and equivalent mechanism (locking means having an eccentric cam engageable with a wing piece as taught by Magnusson) for another (locking means having a pin engageable with a wing piece as taught by Yoshie) would have yielded predictable results to one of ordinary skill in the art at the time of the invention and the technique for improving a particular class of devices was part of the ordinary capabilities of a person skill in the art.

Allowable Subject Matter

5. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claim 5 is allowed.
7. The following is a statement of reasons for the indication of allowable subject matter of claim 5: The lock mechanism of a table of an electric stapler of the instant invention, including locking means comprising engaging teeth in a saw-like shape formed at the wing piece, and a locking piece formed with locking teeth engageable with the engaging teeth, wherein the locking piece is supported by the main frame slidably in directions to engage and separate from the wing piece, fail to be taught by the prior art cited of interest.

Response to Arguments

8. Applicant's arguments filed 7/17/09 have been fully considered but they are not persuasive. Applicant contends that Yoshie's wing piece (251) does not extend downward along each side of the main frame. However, examiner asserts that claims are given their broadest reasonable interpretation consistent with the specification. In this instance, it is the Examiner position that the portion (253A) of Yoshie's wing piece (251) does extend downward along each side of the main frame as shown in figs. 45 and 54-55.
9. For the reasons above, the grounds of rejection are deemed proper.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 571-272-4464. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michelle Lopez/
Examiner, Art Unit 3721

/Rinaldi I Rada/
Supervisory Patent Examiner, Art Unit 3721